

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

Sanford Williams Jr.

v Plaintiff

FILED
SCRANTON

No. 3:20-cv-0465

OCT 30 2020

gav
PER DEPUTY CLERK

CIVIL ACTION

Commonwealth of Pa.

Defendant

MEMORANDUM OF LAW

This is a Civil Rights Action, filing of the HABEAS CORPUS in the matter by Sanford Williams Jr.,

Plaintiff asserts claims under 28 USC. 2244 against the Commonwealth of Pennsylvania for Malicious Prosecution, FALSE ARREST, Negligence, Illegal Search and Seizure and Defamation of Character.

This is a Supplement Petition in support of Plaintiff's claims. Plaintiff is challenging the validity of an illegal sentence that he is currently serving in the Pa. state prison, which Plaintiff avers as follows:

1. Plaintiff states that beside from being falsely arrested and charged with an F-3 Retail Theft offense and with an F-3 Conspiracy offense, the Court imposed an illegal / prohibited sentence upon Plaintiff.
2. on December 19, 2019, Plaintiff pled guilty to an M-1 Conspiracy to Commit Retail Theft through his

MEMORANDUM OF LAW

Defense Counsel ill-Fated advise, which The Court imposed A 6 TO 24 Months Sentence running CONCURRENTLY with Plaintiff original State Sentence effective AS OF December 19, 2019.

3. Plaintiff STATES THAT Defense Counsel never knew or should have known of the Prohibited Sentence and being an ineffective assistance of Counsel, he failed to raise/argue the matter in Court.
4. Plaintiff STATES, subsequently, during the course of research regarding the case, it was disclosed to Plaintiff that the Court imposed a Prohibited 6 TO 24 Months Prison Sentence upon Plaintiff, which it was disclosed that under Convicted Parole Violator (which in essence, Plaintiff was a Parole Violator) b1 PS Section 331.21 of The Parole ACT which outlines the requirement of an individual's re commitment. In essence, it clearly states that the ACT prohibits serving the time remaining on the original sentence concurrent with any new sentences received. An individual paroled from one jurisdiction receiving a new sentence to the same jurisdiction will serve the original sentence first. This has been affirmed by the

Pennsylvania Supreme Court in its Decision Sheldon Dorian v Commonwealth of Pennsylvania IN Commonwealth v DRAPER cites that regardless of a Judge's clear intentions to the contrary, the new sentence / back time cannot be served concurrently.

5. Plaintiff states, that the illegal/prohibited 6 to 24 months prison sentence prejudiced Plaintiff and was extremely unjust to Plaintiff.
- b. The PA. Parole Board did not acknowledge the illegal/prohibited 6 to 24 months sentence. In essence, as a result of the Parole Board not acknowledging (acknowledging) the Court order (imposed sentence), the Court imposed 6 to 24 months sentence was not effective as of December 19, 2019 as the Court ordered. Which Plaintiff's minimum Parole eligibility date was suppose to have been June 19, 2020, and as a result of the Parole Board not acknowledging the Court's order, according to its standards, it extended Plaintiff minimum Parole eligibility date from June 19, 2020 to November, 2020.
7. Plaintiff has exhausted all of his remedies in the Trial Court which were to no avail. Plaintiff yet

has pending PRO Se MOTIONS in the COURT regarding the matter that is being protracted. In essence, Defense Counsel Entwistle STATED PLAINTIFF'S CLAIMS regarding his P.C.R.A. MOTION did not have merit when it did have merit, which PLAINTIFF Subsequently REQUESTED THE COURT TO REMOVE Defense Counsel Entwistle from the CASE, which the COURT GRANTED PLAINTIFF'S REQUEST AND Defense Counsel ENTWISTLE is no longer Counsel of Record, in this CASE, AS A RESULT OF being "ineffective assistance of Counsel".

Relief:

PLAINTIFF REQUESTS THE COURT RESPECTFULLY, THAT UPON REVIEWING THE EVIDENCE PRESENTED, TO CORRECT ANY DEFICIENCIES AND OMISSIONS AND IF THE COURT RULING IS FAVORABLE TO PLAINTIFF, TO DISMISS THE PROHIBITED / ILLEGAL SENTENCE AGAINST PLAINTIFF.

DATED: 10-25-2020

RESPECTFULLY SUBMITTED,

Sanford Walford Jr.

PRO Se

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Exhibit A.

This is A COPY OF COURT ORDER REGARDING THE
Eligible / Prohibited to 24 Months PRISON SENTENCE
which Shows The COURT imposed Sentence was
Ordered effectively on December 19, 2019, which
The COMMONWEALTH OF PA. PAROLE BOARD WAS IN
DEFIANT TO THE COURT'S ORDER. (ALSO, See The
SENTENCING TRANSCRIPTS) dated: December 19, 2019,
which Shows The (el TO 24 months PRISON
Sentence were ORDERED TO be run "Concurrent"
with Plaintiff's ORIGINAL PRISON Sentence

10-25-2020

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Exhibit A

1 IN THE COURT OF COMMON PLEAS OF ADAMS COUNTY, PENNSYLVANIA
2 Commonwealth of Pennsylvania

2 VS CP-01-CR-413-2019

4 Sanford Williams, Jr.

ORDER OF COURT

6 AND NOW, this 19th day of December, 2019, the
7 Defendant appeared via video-conferencing and was represented
8 by counsel for sentencing as a result of a guilty plea
9 entered October 7, 2019 to Count 2 as amended, conspiracy to
10 commit retail theft, in violation of Section 903(a)(1) of the
11 Pennsylvania Crimes Code as a misdemeanor of the first
12 degree.

20 The parties had agreed at the time the plea was
21 entered to a cap of 6 to 24 months SCI. The Court deems that
22 sentence to be appropriate.

23 Accordingly, the sentence of the Court is that the
24 Defendant will serve no less than six months nor more than
25 24 months in a state correctional institution designated by
26 the State Department of Corrections. The sentence is
27 effective today.

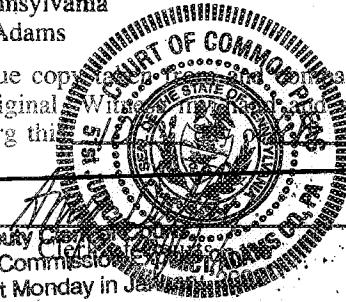
DATED: 10-25-2020

Respectfully Submitted, John T. Dill

1905

Snapp & Wells Jr.

Deputy Sheriff
My Commission
First Monday in J



This is a true copy of the original document as it appeared with the original witness signatures and seal at Gettysburg this 17th day of April, 1863.

Sanford Williams Jr.
501 Smithfield Rd 14020
1120 Pike Street
Huntingdon, PA. 16652

Clerk of Courts
United States District Court
Middle District of PA.
235 N. Washington Avenue
Scranton, PA. 18501

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DEAR COURT CLERK,

PLEASE FIND ENCLOSED IN THIS LETTER AN
ORIGINAL COPY OF MEMORANDUM OF LAW AND
A COPY OF EXHIBIT A, THAT IS IN SUPPORT
OF PLAINTIFF CIVIL ACTION CLAIM, WHICH
PLAINTIFF WOULD LIKE FOR YOUR OFFICE TO FILE
WITH THE COURT.

THANK YOU KINDLY,

DATED: 10-25-2020

Yours truly,
Sanford Williams Jr.
PRO SE

Smart Communications/PADOC

SCI-*Smithfield*

Name *Antonio Williams, Jr.*

Number *SD 1420*

PO Box 33028

St Petersburg FL 33733

Levi May
Clerk of Courts
United States District Court
Sitting at the
Middle District of PA.
901 4th Ave
P.O. Box 1148
Scranton, PA 18501

PER

REGISTRATION NUMBER

MAILING ADDRESS

